IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Smt. Heera Vs. Gordhan

S.B.CR. REVISION PETITION NO.896/2006

DATE OF ORDER :: July 18, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.Vipin Mankad, for the petitioner.

Mr. J.R.Beniwal, for the respondent.

BY THE COURT:

By the instant criminal revision petition, under section 397 read with section 401 Cr.P.C., the petitioner has challenged the order dt. 24.6.2006 passed by the Judge, Family Court, Udaipur (for short `the Family Court' hereinafter), whereby the application under section 125 Cr.P.C. was dismissed.

I have heard learned counsel for the parties. Perused the order impugned.

From perusal of the order impugned, it is clear that petitioner earlier filed a similar application under section 125 Cr.P.C. being Case No.529/2000, Smt. Heera vs. Goverdhan, that application came to be dismissed by the Family Court vide order dt. 10.7.2001. On appreciation of the evidence produced by the parties, the Family Court held that it is the petitioner, who herself voluntarily deserted the non-petitioner and, therefore, she is not entitled for the maintenance. That order dt. 10.7.2001 has never been challenged by the petitioner and as such has attained finality. The finding recorded by the Family Court vide order dt. 10.7.2001 to the extent that the petitioner herself deserted the non-petitioner has attained the finality and in that view of the matter, a fresh application under section 125 Cr.P.C. was not maintainable.

In this view of the matter, no case for interference is made out.

The revision petition is, therefore, dismissed.

[H.R.PANWAR],J.

m.asif/-